THE HIGH COURT

JUDICIAL REVIEW

Record No: [to be assigned]

Between

DEREK O'BARRÓID

Applicant

and

THE MINISTER FOR JUSTICE, THE MINISTER FOR DEFENCE, THE GOVERNMENT OF IRELAND, THE ATTORNEY GENERAL AND THE DIRECTOR OF PUBLIC PROSECUTIONS

Respondents

AFFIDAVIT VERIFYING STATEMENT OF GROUNDS

I, Derek O'Barróid , of Am Weidebaum, Bóthar na Duga, Luimneach, Éire, born on 9th March 1968, aged 58 years and upwards, MAKE OATH and say as follows:

1. I am the Applicant named in the within proceedings and I am duly authorised to make this Affidavit.

2. I identify myself by my Irish Passport Card, number C27040698 , which bears my photograph. I also hold Irish Passport number PU 2856758 .

3. I beg to refer to the Statement of Grounds dated 11th April 2026 upon which marked with the letters “DOB1” I have signed my name prior to the swearing hereof.

4. The contents of the said Statement of Grounds are true and accurate to the best of my knowledge, information and belief.

SWORN by the said Derek O’Barróid

at _____

in the County of Limerick

this _____ day of April 2026

before me a Commissioner for Oaths / Practising Solicitor.

_____

Derek O’Barróid

Applicant

_____

Commissioner for Oaths / Solicitor

IN THE HIGH COURT

Record No: BETWEEN

DEREK O'BARRÓID

Am Weidebaum, Bothar na Duga, Luimneah Éire

Applicant

- AND -

THE ATTORNEY GENERAL OF IRELAND

THE MINISTER FOR JUSTICE

Respondents

EX PARTE NOTICE OF MOTION

Take notice that the Applicant will apply to this Honourable Court for the following reliefs:

1. A Declaration that qui tacet, consentire videtur does not apply to the Applicant and that the Applicant expressly refuses to remain silent in the face of unconstitutional conduct by agents of the State.

2. A Declaration that the Applicant has locus standi to bring these proceedings pursuant to Article 40.3 of the Constitution and the principle established in Crotty v An Taoiseach[1987] IR 713.

3. A Declaration that the Preamble to Bunreacht na hÉireann is fully judiciable and has the same binding force as any Article of the Constitution, as confirmed by the Supreme Court in McGee v Attorney General [1974] IR 284.

4. A Declaration that the Preamble, by its reference to the "heroic and unremitting struggle" of previous generations and its solemn promise to assure "the dignity and freedom of the individual", constitutionally recognises and protects the right of citizens to protest against measures they believe destroy their livelihood and dignity.

5. A Declaration that every statute, regulation and action of the State must be founded

upon and traceable back to the Constitution and that any measure not so grounded is repugnant to the Constitution.

6. A Declaration that Article 4.2 of the Treaty on European Union (Lisbon Treaty) provides that the European Union must respect the national identity of Member States, which includes their fundamental political and constitutional structures and values. These values have reached a contractual level between Ireland and the European Union and therefore cannot be varied or derogated from by any domestic statute or executive action.

7. A Declaration that the Garda Síochána Act 2005, Section 7(1) and Section 7(5), while transferring the duty to vindicate constitutional rights to An Garda Síochána, has in practice been exercised in a manner that breaches the very rights the Gardaí are statutorily obliged to protect.

8. A Declaration that members of An Garda Síochána have no power or competence to decide what constitutes a "reasonable excuse" under the Criminal Justice (Public Order) Act 1994 – that function belongs exclusively to a judge.

9. A Declaration that the use of physical force (including kicking, baton strikes or pepper spray) against persons who had already surrendered and were on the ground during the fuel protests constitutes an unjust attack on the dignity and freedom of the individual, contrary to Article 40.3 and the Preamble.

10. A Declaration that Section 100 of the Courts and Civil Law (Miscellaneous Provisions) Act 2023, insofar as it grants carte blanche immunity to Courts Service staff and allows them to act as gatekeepers blocking citizens from accessing the courts, is repugnant to the Constitution.

11. A Declaration that the slow transfer of judicial functions to unqualified persons selected for authoritarian traits rather than republican values represents a subversion of the rule of law and the separation of powers.

12. An Order directing the Respondents to accept and process all applications made by the Applicant without administrative obstruction or interference.

13. Such further or other relief as this Honourable Court shall deem just and proper.

Grounds

The grounds are fully set out in the Affidavit of Derek O'Bárróid sworn hereto and are summarised as follows:

The Applicant will not remain silent. Silence in the face of such conduct is not neutral, it is active consent to the destruction of the Republic and the replacement of the rule of law

with arbitrary power. Allowing uncontrolled force against compliant citizens while the courts refuse to hear such cases leads ultimately to the erosion of liberty and the creation of a police state, the modern equivalent of gulags, concentration camps, and H Blocks.

The sentiments expressed in the historical proclamations and speeches of Irish rebellions are directly bound into the Preamble of Bunreacht na hÉireann, which honours the "heroic and unremitting struggle" of previous generations. These include:

- Hugh O'Neill (1598): "Victory lies not in senseless armour, but in living and courageous souls."

- Theobald Wolfe Tone (1798): "To break the connection with England, the never-failing source of all our political evils, and to assert the independence of my country."

- Henry Joy McCracken (1798): "We will not be satisfied with anything short of the complete emancipation of our country."

- Robert Emmet (1803): "Let no man write my epitaph… when my country takes her place among the nations of the earth, then, and not till then, let my epitaph be written."

- Young Irelanders (1848): "We are the children of a people who have never known how to surrender."

- Fenians (1867): "Sons of our Farthers died for thee. God save Ireland!"

- 1916 Proclamation: "In every generation the Irish people have asserted their right to national freedom and sovereignty; six times during the past three hundred years they have asserted it in arms."

This unbroken tradition of asserting the right to resist perceived injustice forms part of Ireland's national identity, history, culture and traditions. The Preamble of the Treaty of Lisbon expressly requires the European Union to respect the "history, culture and traditions" of its Member States, while Article 4.2 TEU obliges the Union to respect Ireland's fundamental constitutional and political identity. The Irish Government is therefore bound whether it wishes to or not , to respect this constitutional tradition.

The present proceedings represent a modern, peaceful expression of that same historic tradition of lawful resistance. The Government of Ireland owes a duty of care to its citizens, a duty long recognised in the common law since the judgments of Lord Esher. The Applicant will hold the Government to that duty.

Dated this 24th day of April 1916 .

Signed: _____

Derek O'Bárróid

Applicant in Person

I appreciate your rigorous consideration of this pressing matter and anticipate your expeditious response.

Colbert & Daly fought to free Éire
A fundamental Right for me and you
The might of Right, not right of Might
To protect even the Devil as if it were you
If the the law does not protect all, the who, You!

Theodore Bárwald

IN THE HIGH COURT

JUDICIAL REVIEW

Record No:

Between

DEREK O'BARRÓID

Applicant

and

THE MINISTER FOR JUSTICE,

THE MINISTER FOR DEFENCE,

THE GOVERNMENT OF IRELAND,

THE ATTORNEY GENERAL,

and

THE DIRECTOR OF PUBLIC PROSECUTIONS

Respondents

STATEMENT OF GROUNDS

(for leave to apply for judicial review by way of orders of mandamus, prohibition, certiorari and declaration)

1. The Applicant seeks judicial review to restrain the unconstitutional and unlawful conduct of An Garda Síochána and the unlawful usurpation of military authority by the Minister for

Justice.

2. The Applicant has viewed video footage showing a member of An Garda Síochána kicking a man who was already on the ground, alone, and surrounded by officers during the Whitegate protest. The Applicant makes no assertion as to whether the individual was committing a public order offence — that is not the Applicant's function. Irrespective of the circumstances, such gratuitous violence is beyond the authority of the Gardaí and incompatible with the constitutional values of this State.

3. This conduct constitutes a clear and serious breach by An Garda Síochána of its mandatory statutory duty under Section 9 of the Policing, Security and Community Safety Act 2024 to vindicate human rights, and of the Policing, Security and Community Safety Act 2024 (Standards of Professional Behaviour) Regulations 2025 (S.I. No. 116 of 2025) . Specifically, Regulation 10 requires that a member "shall uphold human rights and equality and treat all persons with fairness, dignity and respect" and expressly prohibits "mistreatment of arrested or detained persons". Regulation 13 prohibits the use of "excessive force". The deliberate kicking of a prone and surrounded man is not the vindication of rights — it is the violation of them.

4. Each member of An Garda Síochána, upon appointment, is required by Section 16 of the Garda Síochána Act 2005 (and Schedule 2 of the Policing, Security and Community Safety Act 2024) to solemnly declare before God that they will "faithfully discharge the duties of a member of An Garda Síochána with fairness, integrity, regard for human rights, diligence and impartiality, upholding the Constitution and the laws and according equal respect to all people." The deliberate kicking of a prone and surrounded man is in direct contradiction of this sworn oath.

The Preamble of the Constitution of Ireland further provides that the State exists to "promote the common good, with due observance of Prudence, Justice and Charity, so that the dignity and freedom of the individual may be assured true social order attained." The witnessed conduct fundamentally breaches both the Garda oath and the foundational objectives of the Constitution itself.

5. The preservation of peace and public order under Section 7(1)(a) cannot lawfully be achieved by means that simultaneously breach the concurrent duty under Section 7(1)(c). The two limbs of the statutory function are not severable; they are mutually constraining.

6. Statutory Position (Army Deployment)

The sole statutory power to call out any part of the Defence Forces in aid of the civil power is contained in Section 90(1) of the Defence Act 1954 . That power is vested exclusively in the Minister for Defence and extends only to reservists, and only for the maintenance or restoration of the public peace. No provision authorises the Minister for Justice to direct, threaten, or deploy the Defence Forces (permanent or reserve) for the removal of civilian vehicles in the course of a protest. Form C70 is an internal administrative document and possesses no legislative force.

7. Constitutional Position

Article 13.4 of the Constitution provides that the supreme command of the Defence Forces is vested in the President, exercised on the advice of the Government. The Minister for Justice has no constitutional or statutory authority to arrogate to himself command or direction of the Defence Forces. Such conduct amounts to an unlawful exercise of a function of government and falls squarely within the prohibition contained in Section 6(1) of the Offences Against the State Act 1939 . It further constitutes usurpation within the meaning of Section 4 of the Treasonable Offences Act 1925 .

8. The pattern of executive overreach is not isolated. The witnessed Garda violence combined with the Minister's threat to deploy the Army against protesting citizens demonstrates a systemic failure to uphold the rule of law and the statutory duty to vindicate human rights.

9. The Applicant has locus standi and no effective remedy other than this application. The Court is called upon to intervene.

Relief Sought

(a) A declaration that the kicking of a prone and surrounded individual by a member of An Garda Síochána breaches the Policing, Security and Community Safety Act 2024, the 2025 Regulations, and the sworn Garda oath and is unlawful and unconstitutional;

(b) A declaration that any direction or threat by the Minister for Justice to deploy the Defence Forces constitutes an unlawful usurpation of governmental and military functions;

(c) An order of mandamus directing the Respondents to cease and desist from any such unlawful conduct and to comply with their statutory duties;

(d) An order of prohibition restraining the Respondents from further unconstitutional policing or deployment of the Defence Forces;

(e) Such further or other order as the Court shall deem fit;

(f) An order for costs.

Dated this 11th day of April 2026 .

Derek O’Barróid

Am Weidebaum, Bóthar na Duga, Luimneach, Éire

IN THE HIGH COURT

Record No: EX PARTE MOTION

Between

DEREK O'BARRÓID

Am Weidebaum, Bóthar na Duga, Luimneach, Éire

Applicant

and

THE MINISTER FOR JUSTICE

THE GOVERNMENT OF IRELAND

THE ATTORNEY GENERAL

Goverment Buildims, Kildare Stree, Dublin

Respondents

Ex Parte Motion for Directions

The Applicant respectfully moves this Honourable Court, on an ex parte basis, for the following relief:

1. An order directing the Minister for Justice to prepare and introduce legislation to the Oireachtas within such period as the Court shall direct, to remove the statutory contradiction in Section 7(1) of the Garda Síochána Act 2005 whereby the same member of An Garda Síochána is simultaneously required to preserve peace and public order and to vindicate the human rights of each individual.

2. A declaration that the current statutory framework unconstitutionally requires untrained members of An Garda Síochána to exercise judicial functions in determining whether a protest constitutes **a reasonable excuse** for blocking a road and whether the use of force

complies with their duty to vindicate human rights.

3. An order directing the Minister for Justice to establish, within 21 days, an independent and immediate judicial mechanism whereby any citizen affected by a decision of An Garda Síochána under Section 7 can obtain a prompt judicial determination of the lawfulness of that decision.

Grounds

The Applicant respectfully reminds the Court that on 4 March 2026 , Mr Justice Brian Cregan stated in open court that "the rule of law and democracy is based on the rule of law."

Despite this clear judicial statement, the Minister for Justice has placed members of An Garda Síochána in an impossible constitutional position by imposing contradictory duties upon them under Section 7(1) of the Garda Síochána Act 2005. This forces ordinary Gardaí, who possess no judicial training, to act simultaneously as police officer, judge and adjudicator of human rights.

This structural defect in the law has directly led to the heavy-handed policing witnessed in recent days, including the kicking of a man who was already on the ground and surrounded by officers.

The Minister's continuing failure to correct this constitutional anomaly amounts to a constructive obstruction of the proper administration of justice.

Constitutional Contradiction

The right to protest and to strike flows directly from the Preamble of Bunreacht na hÉireann, which requires the State to promote the common good with due observance of Prudence, Justice and Charity so that the dignity and freedom of the individual may be assured.

This constitutional right, rooted in the Preamble and protected under Article 40.6.1° of the Constitution, cannot lawfully be subordinated or obstructed by a simple statute such as Section 9 of the Criminal Justice (Public Order) Act 1994.

The Minister's reliance on an ordinary statute to suppress a constitutional right that forms part of the common good is itself unconstitutional.

Dated this 14 th day of April 2026.

Derek O'Barróid

Am Weidebaum, Bóthar na Duga, Luimneach, Éire

Derek O'Barróid,

Am Weidebaum,

Bother na Duga,

Luimneach

Recycled Paper 100% Postconsumer Waste

Central Office of The High Court
Ground Floor (East Wing)
Four Courts, Inns Quay, Dublin 7

COURTS SERVICE
An tSeirbhís Chúirteanna

DEREK O BARROID
AM WEIDEBAUM BOTHER NA DUGA LUIMNEACH

Dear Sir / Madam,

Find enclosed herewith your original correspondence rejected for reasons described below:

First Named Plaintiff:	O BARROID, DEREK
First Named Defendant:	MINISTER FOR JUSTICE
Document Type:	Other
Reason For Rejection:	STATMENT OF GROUNDS REQUIRES A GROUNDING AFFIDAVIT TO BE ISSUED - STATMENT OF GROUNDS MUST FOLLOW THE PRECEDENT SET OUT IN ORDER 84 - THE STATMENT OF GROUNDS MUST BE ORIGINALLY SIGNED
Record Number:	n/a
Processed by:	Fionn D Tuesday 14th April, 2026

Please address these corrections/omissions and resubmit to the address below.

The Central Office,
High Court,
East Wing,
Four Courts,
Dublin 7

Tel +353(0)1 888 6016

Outlook

HC Judicial review, Order. 84.

Von Derek O'Barróid <aiseeirii.na.casca.2024@gmail.com>
Datum Do, 09.04.2026 11:42
An highcourtcentraloffice@courts.ie <highcourtcentraloffice@courts.ie>
Cc jim.ocallaghan@oireachtas.ie <jim.ocallaghan@oireachtas.ie>; info@ag.irlgov.ie <info@ag.irlgov.ie>; helen.mcentee@oireachtas.ie <helen.mcentee@oireachtas.ie>
Bcc willie.odea@oireachtas.ie <willie.odea@oireachtas.ie>; Dee Ryan <dee.ryan@oireachtas.ie>

High Court Judicial Review (Order 84 RSC)

IN THE HIGH COURT
JUDICIAL REVIEW

Record No:

Between

DEREK O'BARRÓID

Applicant

and

THE MINISTER FOR JUSTICE,
THE MINISTER FOR DEFENCE,
THE GOVERNMENT OF IRELAND,
THE ATTORNEY GENERAL,
and
THE DIRECTOR OF PUBLIC PROSECUTIONS

Respondents

STATEMENT OF GROUNDS
(for leave to apply for judicial review by way of orders of mandamus, prohibition, certiorari and declaration)

1. The Applicant seeks judicial review to restrain an unconstitutional and unlawful usurpation of military authority by the Minister for Justice.

2. On or about the dates material to this application the Minister for Justice publicly threatened to deploy the Defence Forces to remove hauliers' trucks during a lawful protest, stating that if the hauliers did not move their vehicles the Army would be sent in to do so.

3. This threat constitutes a clear and direct usurpation of executive and military functions contrary to statute and the Constitution.

4. Statutory Position

- The sole statutory power to call out any part of the Defence Forces in aid of the civil power is contained in Section 90(1) of the Defence Act 1954. That power is vested exclusively in the Minister for Defence and extends only to reservists, and only for the maintenance or restoration of the public peace.
- No provision of the Defence Act 1954, the Offences Against the State Acts, or any other statute authorises the Minister for Justice to direct, threaten, or deploy the Defence Forces (permanent or reserve) for the removal of civilian vehicles in the course of a protest.
- Form C70 is an internal administrative document and possesses no legislative force.

5. Constitutional Position

- Article 13.4 of the Constitution provides that the supreme command of the Defence Forces is vested in the President, exercised on the advice of the Government.
- The Minister for Justice has no constitutional or statutory authority to arrogate to himself command or direction of the Defence Forces.
- Such conduct amounts to an unlawful exercise of a function of government and falls squarely within the prohibition contained in **Section 6(1) of the Offences Against the State Act 1939** ("any other action or conduct whatsoever" that usurps or unlawfully exercises any function of government).
- It further constitutes usurpation within the meaning of **Section 4 of the Treasonable Offences Act 1925**.

6. The 1998 Courts Service Act Context

The pattern of executive overreach is not isolated. Since the Courts Service Act 1998 (s.5(1)(a)) vested "management of the courts" in an administrative body, successive Ministers have incrementally expanded executive control into areas constitutionally reserved to the judiciary and the military. The threat to deploy the Army against civilians is the latest manifestation of this long-standing and unconstitutional creep.

7. Absence of Remedy and Duty to Act

The Applicant has no effective remedy at law other than this application. The recursive failure of the executive, legislature, and now the threatened misuse of the military, leaves the ordinary citizen without protection. The Court is called upon to intervene by way of mandamus to compel the Respondents to cease and desist from any unlawful direction, threat, or deployment of the Defence Forces.

Relief Sought

The Applicant respectfully seeks the following relief:

(a) An order of mandamus directing the Minister for Justice and the Government to refrain from issuing any direction, threat, or command to the Defence Forces outside the strict limits of the Defence Act 1954;

(b) An order of prohibition restraining the Minister for Justice, the Minister for Defence, and the Government from deploying or threatening to deploy any element of the Defence Forces (permanent or reserve) for the purpose of removing civilian vehicles or breaking a peaceful protest;

(c) A declaration that any such direction or threat by the Minister for Justice constitutes an unlawful usurpation of governmental and military functions contrary to the Constitution, the Defence Act 1954, the Treasonable Offences Act 1925, and Section 6(1) of the Offences Against the State Act 1939;

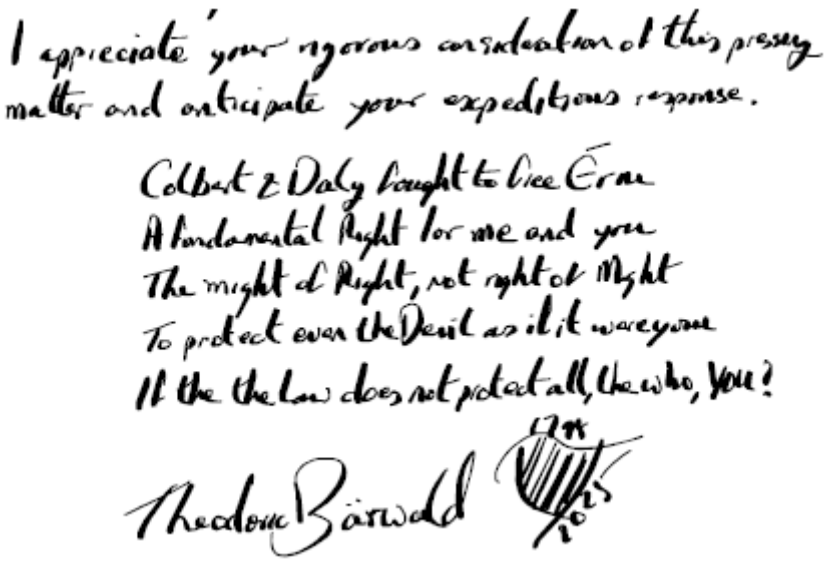
(d) Such further or other order as the Court shall deem fit;

(e) An order for costs.

Dated this 09 April 2026.

Derek O'Barróid
Am Weidebaum, Bóther na Duga, Luimneach, Éire

Sent from Outlook for Android


I appreciate your rigorous consideration of this pressing
matter and anticipate your expeditious response.
Colbert & Daly fought to free Éire
A fundamental Right for me and you
The might of Right, not right of Might
To protect even the Devil as if it were you
If the the Law does not protect all, then who, You!
Theodore Bärwald

Outlook

DOD-MO-00469-2026/HC Judicial review, Order. 84.

Von Ministers Office <noreplymo-defence@corr.cloud.gov.ie>
Datum Do, 09.04.2026 12:09
An aiseeirii.na.casca.2024@gmail.com <aiseeirii.na.casca.2024@gmail.com>

DOD-MO-00469-2026

9th April 2026

aiseeirii.na.casca.2024@gmail.com

Dear Mr. O'Barróid,

I wish to acknowledge receipt of your recent correspondence to Minister for Defence, Ms. Helen McEntee TD,

Yours sincerely,

Andrew Beltran

Private Secretary to the Minister for Defence

Ms. Helen McEntee TD

Minister@defence.ie